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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,516	07/16/2004	Sundar Raman	PL002-0022	4347
37621 7590 06/11/2007 PATENTS AND LICENSING LLC DANIEL W. JUFFERNBRUCH 28 BARRINGTON BOURNE BARRINGTON, IL 60010-9605			EXAMINER DEAN, RAYMOND S	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 06/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/710,516	Applicant(s) RAMAN, SUNDAR	
	Examiner Raymond S. Dean	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>0704</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 3, 5 – 6, 8 – 11, 14 – 17, 19 – 25, 28 – 29, 31 – 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Osann (US 2004/0203608).

Regarding Claim 1, Osann teaches a cellular telephone device, comprising: a radio unit for transmitting over a cellular telephone network, the cellular telephone network capable of both in-band communication and out-of-band communication (Sections 0022, 0027 – 0028, the in-band communication is the voice conversation and the out-of-band communication is the signaling used to transmit the specified code for requesting permission to record); a messaging unit operatively coupled to the radio unit to determine when a user of the cellular telephone device desires to record a cellular telephone conversation and, when the user of the cellular telephone device desires to record a cellular telephone conversation, to transmit a record enable signal via the radio unit using the out-of-band communication (Section 0028, the receipt of the

specified code, which is a record enable signal, is an indication that the user desires to record a conversation).

Regarding Claim 8, Osann teaches communications equipment capable of communicating with a remote cellular telephone device and of recording telephone conversations (Sections 0022, 0024, 0026 – 0028, the service provider can record/store the conversations, the wireless network, which is owned by the wireless service provider, comprises: communication equipment capable of communicating with the cellular phones and said record/store means) therewith, the communications equipment comprising: a cellular base station for receiving a cellular telephone conversation with a remote cellular telephone device on an in-band channel and for receiving a record enable signal from the remote cellular telephone device on an out-of-band channel (Sections 0024, 0026 – 0028, the in-band communication is the voice conversation and the out-of-band communication is the signaling used to transmit the specified code for requesting permission to record, the wireless network comprises base stations); and a recorder operatively coupled to the cellular base station to receive the telephone conversation on the traffic channel and record the conversation upon the record enable signal (Section 0028, the voice conversation is on a traffic channel and the specified code is the record enable signal).

Regarding Claim 22, Osann teaches a method of communicating over a cellular telephone to record voice conversations, the method comprising the steps of: transporting a cellular telephone conversation between a remote cellular telephone device and a base station on an in-band communication (Sections 0022, 0024, 0027 –

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0028, the in-band communication is the voice conversation, the service provider can record/store the conversations, the wireless network, which is owned by the wireless service provider, comprises base stations); transporting a record enable signal from the remote cellular telephone device to the base station on an out-of-band communication (Sections 0022, 0027 – 0028, the out-of-band communication is the signaling used to transmit the specified code for requesting permission to record); and recording the telephone conversation upon an enable signal (Section 0028, the receipt of the specified code, which is a record enable signal, is an indication that the user desires to record a conversation).

Regarding Claims 2, 25, Osann teaches all of the claimed limitations recited in Claims 1, 24. Osann further teaches wherein the in-band communication is a traffic channel; and wherein the out-of-band communication is a signaling channel (Section 0028, the voice conversation is on a traffic channel, and the specified code is on a signaling channel).

Regarding Claims 3, 11, Osann teaches all of the claimed limitations recited in Claims 2, 8. Osann further teaches wherein the in-band communication is a voice channel (Section 0028, the voice conversation is on a traffic channel, which is a voice channel for voice traffic).

Regarding Claims 5, 14, 28, Osann teaches all of the claimed limitations recited in Claims 2, 10, 24. Osann further teaches wherein the out-of-band communication is sent using an Internet protocol (Section 0024 lines 8 – 11, internet protocol is used for web access).

Regarding Claims 6, 15, 29, Osann teaches all of the claimed limitations recited in Claims 2, 10, 24. Osann further teaches wherein the out-of-band communication is a cellular data channel (Section 0022, Osann teaches a cellular system thus there will be cellular data channels).

Regarding Claim 9, Osann teaches all of the claimed limitations recited in Claim 8. Osann further teaches a media gateway operatively coupling the cellular base station to the public switched telephone network to transport telephone communications between the remote cellular telephone device and a remote public switched telephone device (Section 0022, typical cellular systems comprises media gateways that couple the base stations to the PSTN).

Regarding Claim 10, Osann teaches all of the claimed limitations recited in Claim 8. Osann further teaches wherein the in-band communication is a voice channel (Section 0028, the voice conversation is on a traffic channel, which is a voice channel for voice traffic); and wherein the out-of-band communication includes a signaling channel to carry the record enable signal (Section 0028, the specified code is on a signaling channel).

Regarding Claim 16, Osann teaches all of the claimed limitations recited in Claim 8. Osann further teaches a mobile switching center operatively coupled to the cellular base station to fork off a communication signal to the recorder upon receipt of the enable signal (Sections 0022, 0024, 0027 – 0028, typical cellular systems comprise MSCs coupled to the base stations, the service provider can record/store the

conversations, the wireless network, which is owned by the wireless service provider and which comprises the MSCs, thus will record/store the conversations).

Regarding Claim 17, Osann teaches all of the claimed limitations recited in Claim 16. Osann further teaches wherein the mobile switching center forwards the voice signal to the voice recorder using a streaming protocol (Section 0024 lines 8 – 11, voice, images, and video via the web is typically streamed).

Regarding Claim 19, 31, Osann teaches all of the claimed limitations recited in Claims 8, 22. Osann further teaches a media gateway operatively coupled to the cellular base station and the voice recorder to save and provide for future remote retrieval of the recorded conversation (Sections 0022, 0024, 0027 – 0028, typical cellular systems comprises media gateways that couple the base stations to the PSTN).

Regarding Claim 20, Osann teaches all of the claimed limitations recited in Claim 19. Osann further teaches wherein the media gateway provides for future remote retrieval of the recorded conversation using an interactive menu of at least one of visual and audible menus (Section 0024, the WWW comprises visual menus).

Regarding Claims 21, 32, Osann teaches all of the claimed limitations recited in Claims 19, 22. Osann further teaches wherein the media gateway forwards the recorded conversation to a distribution location using a standard digital encoded format (Section 0024, in order for the recorded conversations to be accessed via the web said conversations will need to be in a digital format), stores the conversation as a link on a website and provides the web address to each of the calling parties via at least one of

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voice message and text message (Section 0024, in wireless cellular systems the link is typically in the form of a text message).

Regarding Claim 23, Osann teaches all of the claimed limitations recited in Claim 22. Osann further teaches the step of transporting telephone communications between the remote cellular telephone and another telephone on a network (Sections 0022, 0023)

Regarding Claim 24, Osann teaches all of the claimed limitations recited in Claim 22. Osann further teaches wherein the in-band communication includes a voice channel; and wherein the out-of-band communication includes a non-voice channel (Section 0028, the voice conversation is on a voice channel, and the specified code is on a signaling channel, which is a non-voice channel).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 12, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osann (US 2004/0203608) in view of Aschir (US 2003/0186682).

Regarding Claims 4, 12, 26, Osann teaches all of the claimed limitations recited in Claims 2, 10, 24. Osann does not teach wherein the out-of-band communication is a short message data channel.

Aschir teaches communication via a short message data channel (Section 0024 lines 1 – 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the SMS data communication of Aschir as an alternative means of communication for the mobile device.

5. Claims 7, 18, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osann (US 2004/0203608) in view of Takagi et al. (US 6,690,950).

Regarding Claim 7, Osann teaches all of the claimed limitations recited in Claim 1. Osann does not teach wherein the record enable signal comprises a record start signal and a record stop signal; wherein the messaging unit is operatively coupled to the radio unit to transmit the record start signal via the radio unit using the out-of-band communication when the user of the cellular telephone device desires to start recording the cellular telephone conversation; and wherein the messaging unit is operatively coupled to the radio unit to transmit the record stop signal via the radio unit using the out-of-band communication when the user of the cellular telephone device desires to stop recording the cellular telephone conversation.

Takagi teaches a record start signal and a record stop signal (Col. 9 lines 11 – 61); wherein the messaging unit is operatively coupled to the radio unit to transmit the record start signal via the radio unit when the user of the cellular telephone device desires to start recording the cellular telephone conversation (Col. 9 lines 11 – 61); and wherein the messaging unit is operatively coupled to the radio unit to transmit the

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record stop signal via the radio unit when the user of the cellular telephone device desires to stop recording the cellular telephone conversation (Col. 9 lines 11 – 61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Osann with the above recording feature of Takagi for the purpose of efficiently recording voice conversations as taught by Takagi.

Regarding Claims 18, 30, Osann teaches all of the claimed limitations recited in Claims 8, 22. Osann does not teach wherein the record enable signal comprises a record start signal and a record stop signal; wherein the cellular base station receives the record start signal from the remote cellular telephone device on an out-of-band channel; and wherein the cellular base station receives the record stop signal from the remote cellular telephone device on an out-of-band channel; and wherein the voice recorder receives the voice conversation on a voice channel and starts recording the voice conversation upon the record start signal and stops recording the voice conversation upon one of at least either the record stop signal and an end of the voice conversation.

Takagi teaches wherein the record enable signal comprises a record start signal and a record stop signal (Col. 9 lines 11 – 61); receiving the record start signal from the remote cellular telephone device (Col. 9 lines 11 – 61); receiving the record stop signal from the remote cellular telephone device (Col. 9 lines 11 – 61); and wherein the voice recorder receives the voice conversation on a voice channel and starts recording the voice conversation upon the record start signal and stops recording the voice

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conversation upon one of at least either the record stop signal and an end of the voice conversation (Col. 9 lines 11 – 61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Osann with the above recording feature of Takagi for the purpose of efficiently recording voice conversations as taught by Takagi.

6. Claims 13, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osann (US 2004/0203608) in view of Aschir (US 2003/0186682), as applied to Claims 12, 26 above, and further in view of Olsson et al. (5,915,222).

Regarding Claims 13, 27, Osann in view of Aschir teaches all of the claimed limitations recited in Claims 12, 26. Osann in view of Aschir does not teach wherein the short message data channel uses SS7 signaling.

Olsson teaches wherein the short message data channel uses SS7 signaling (Col. 3 lines 10 – 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Osann in view of Aschir with the SS7 feature of Olsson as a means for transporting the SMS data as taught by Olsson.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Raymond S. Dean
May 31, 2007


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